

Canada should designate Mexican drug cartels as terrorist organizations | Sergio R. Karas

By **Sergio R. Karas**

Law360 Canada (February 4, 2025, 1:16 PM EST) -- On Jan. 20, 2025, President Donald Trump issued an executive order titled "Designating Cartels and Other Organizations as Foreign Terrorist Organizations and Specially Designated Global Terrorists." This order called on the State Department to label Mexican drug trafficking cartels as "foreign terrorist organizations," expanding the reach of U.S. law enforcement over these criminal groups. Designating such groups as terrorist entities is a powerful tool for governments to combat organized crime and terrorism.

Canada remains committed to addressing transnational threats but takes a slower and less aggressive approach. The process for listing terrorist entities is governed by the *Anti-Terrorism Act*. It begins with criminal or security intelligence reports demonstrating reasonable grounds to believe that the entity has engaged in, facilitated, or supported terrorist activities. These reports are then submitted to the minister of Public Safety, who assesses whether the criteria are met. If the minister agrees, a recommendation is made to the Governor in Council. If the Governor in Council is satisfied with the evidence, the entity is added to the list of designated terrorist entities under the *Criminal Code*.



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The process for designating terrorist entities in Canada involves multiple layers of review, starting with intelligence assessments and culminating in a decision by the Federal Cabinet. This process often leads to significant delays before action is taken. In contrast, the U.S. employs a more streamlined approach, with specific time limits incorporated into the process, such as the seven-day congressional review period, allowing for faster decision-making. This efficiency ensures a quicker response to emerging threats, highlighting the agility of the U.S. system compared to Canada.

In a recent example, Canada designated Iran's Islamic Revolutionary Guard Corps (IRGC) as a terrorist organization in 2024, after years of pressure from opposition legislators and members of the Iranian diaspora. This decision came much later compared to the U.S., which classified the IRGC, a branch of the Iranian military, as a terrorist group in 2019. This delay occurred despite significant incidents such as the IRGC's January 2020 downing of Ukraine International Airlines flight 752 near Tehran, killing 176 people, including many with strong ties to Canada. The IRGC has also been accused of foreign interference, threatening and intimidating members of the Iranian diaspora, and attempting cyberattacks.

The Public Safety minister at the time, Dominic LeBlanc, did not provide a specific reason for the delayed designation. The federal government's move to declare the IRGC a terrorist entity under Canada's *Criminal Code* came after years of advocacy by various interest groups. The Canadian Security Intelligence Service (CSIS) revealed that it was aware of state actors from Iran monitoring and intimidating people in Canada to silence critics of the regime. CSIS spokesperson Eric Balsam stated in a media release to CBC News that "CSIS was actively investigating several threats to life emanating from the Islamic Republic of Iran based on credible intelligence." In its 2021 annual report, CSIS noted it continued to "investigate credible reports" involving "threat actors linked to proxies of the Islamic Republic of Iran." Even with these clear warnings and repeated incidents, Canada was notably slow in designating the IRGC as a terrorist organization, taking years to act despite mounting evidence.

In the U.S., the Foreign Terrorist Organization list was created in 1997 under the *Antiterrorism and Effective Death Penalty Act* of 1996. Early entries included groups such as Hezbollah, Hamas, and the Kurdistan Workers' Party (PKK). These organizations were designated promptly, reflecting the United States's proactive stance in countering terrorism. In contrast, Canada established its legal framework for designating terrorist entities later, under the *Anti-Terrorism Act* of 2001, highlighting a more delayed approach in comparison to the United States' earlier and more immediate action.

While the U.S. designated groups like Hamas and Hezbollah in the late 1990s, Canada officially listed them in 2002. Similarly, the Liberation Tigers of Tamil Eelam (LTTE) were designated as a terrorist organization in the U.S. in 1997 but were only added to Canada's list in 2006. Likewise, Al-Shabaab was designated in the U.S. in 2008 but not in Canada until 2010. This delay highlights Canada's slower approach to terrorist designations.

On Jan. 22, 2025, President Trump issued an order initiating the process to designate Ansar Allah, also known as the Houthis — supported by Iran's Islamic Revolutionary Guard Corps Quds Force (IRGC-QF) as a Foreign Terrorist Organization. This move underscores the United States' continued commitment to taking firm action against groups it deems a threat to national and global security. Canada has not designated the Houthis as terrorists, despite their regular attacks on international shipping. There has been no explanation for this omission.

Hizb-ut-Tahrir (HuT) was proscribed as a terrorist organization in the U.K. in January 2024. Despite substantial evidence indicating the organization's involvement in extremist activities, Canada has yet to take similar action to include HuT on its designated terrorist entities list. Concerns about increasing Islamic radical activity in Canada have already led Canadian authorities to closely scrutinize events like the planned Hizb ut-Tahrir Khilafah Conference 2025. Authorities described the event, which was scheduled for Jan. 18, 2025, in Hamilton, Ont., as "deeply concerning," citing HuT's documented history of glorifying violence, promoting antisemitism, and spreading extremist ideology. Although the conference was ultimately canceled, critics continue to demand that Canada designate them as a terrorist organization under the *Anti-Terrorism Act*.

For most Canadians, Mexican cartels seem caricatures of the stereotypical villains of TV shows and police dramas. But their power and influence are very real — as is the threat they pose to all three nations of the Canada-United States-Mexico Agreement (CUSMA). The findings of the United States Drug Enforcement Administration (DEA) report on National Drug Threat Assessment 2024 state that there are serious concerns about widespread fentanyl use and its devastating effects, and this should sound an alarm to Canada. According to the report, Mexican cartels like the Sinaloa and Jalisco New Generation Cartels (CJNG) have expanded their operations into Canada, especially through the distribution of synthetic drugs like fentanyl. These cartels exploit Canada's free trade policies and immigration system to establish drug pipelines and money-laundering operations, posing significant risks to public safety and economic stability. The failure to designate these cartels as terrorist organizations limits Canada's ability to impose stronger sanctions, disrupt financial networks, or collaborate effectively with international partners to curb their influence.

Canada's focus on direct violence limits its ability to address non-violent but equally dangerous activities, such as drug smuggling and money laundering, often associated with these groups. Furthermore, Canada's more deliberative process has been criticized for being slower and less responsive to evolving threats.

Implementing a faster designation process for terrorist organizations and criminal cartels is crucial for Canada to pre-emptively mitigate threats. Delays, such as the prolonged process of the addition of groups like IRGC to Canada's terrorist list underscore the need for reform. Streamlining the review and decision-making process would allow Canada to act swiftly against emerging threats, reducing their potential impact on national security and public safety.

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